



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

LAHIVE & COCKFIELD, LLP.  
28 STATE STREET  
BOSTON MA 02109

**COPY MAILED**

**MAY 25 2005**

**OFFICE OF PETITIONS**

In re Application of  
David Margolis, et al.  
Application No. 09/957,031  
Filed: September 21, 2001  
Docket No.: BSZ-008DVCN

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 8, 2005, to revive the above-identified application.

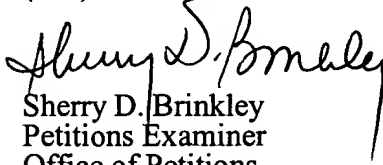
The petition is **GRANTED**.

The application became abandoned for a failure to respond to a non-final Office action mailed July 22, 2004. This decision precedes the mailing of a Notice of Abandonment.

The application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing Application No. 11/042,598 filed January 24, 2005.

Extensions of time under 37 CFR 1.136 are available only if asked for "prior to or with the response." In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Therefore, no extension of time fees are due on a petition for revival. In view thereof, the \$1020 extension of time fee submitted with the present petition is unnecessary and will be credited to counsel's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy